



**TOWN OF FRANKLIN
RESOLUTION 22-12**

**ORDER OF LAYOUT, ACCEPTANCE, AND TAKING OF
BRANDYWINE ROAD AND A PORTION OF CHARLES DRIVE
AND DRAINAGE AND UTILITY EASEMENTS**

WHEREAS, by virtue of Massachusetts General Laws Chapter 82, Section 21 and 24, the Town of Franklin, acting by and through its Town Council, is authorized to lay out, accept and take by eminent domain under Massachusetts General Laws Chapter 79, or acquire by purchase or otherwise, any lands, rights of way or easements necessary for the construction, and maintenance of roadways for public use, and

WHEREAS, the Town Council has held a public hearing after having given prior written notice thereof to the owner of record of each property abutting the road as evidenced by the abutters' list, a true copy of which is attached hereto as "Exhibit A", and notice by newspaper publication, and

WHEREAS, the laying out, acceptance, and taking by eminent domain of the fee in Brandywine Road and a portion of Charles Drive, as well as drainage and utility easement as hereinafter described, for roadway purposes has been referred to the Planning Board, as provided in G.L. Chapter 41, Section 81I, which voted to recommend acceptance, and said action is also recommended by the Town Administrator and the Director of the Franklin Department of Public Works, and

WHEREAS, Marinella Development, LLC, a Massachusetts limited liability company, the owner of the fee in said roadways and of said drainage and utility easements has conveyed said roadways together with said drainage and utility easements to the Town by deed and grant of easements dated January 26, 2022, to be recorded at Norfolk County Registry of Deeds herewith, and

WHEREAS, the purpose of this order is to comply with statutory requirements and/or to confirm title in the Town and no land damages are therefore anticipated, and

WHEREAS, said layout, acceptance and taking is in the best public safety interests of the Town of Franklin.

NOW, THEREFORE, BE IT ORDERED THAT:

1. The Town Council of the Town of Franklin, by virtue of and in exercise of and the execution of power and authority conferred by said statutes, hereby adjudges that public safety, necessity and convenience require the layout, acceptance, and taking

by eminent domain, of the land hereinafter described, for the purposes hereinafter stated.

2. The Town of Franklin, acting by and through the Town Council by virtue of and in the exercise of the power and authority conferred by said statutes and in accordance with the provisions of Massachusetts General Laws Chapter 79 and Chapter 82, Sections 21 and 24, and all and every other power and authority it does possess, DOES HEREBY LAYOUT AND ACCEPT AS TOWN WAYS AND TAKE BY EMINENT DOMAIN for roadway purposes: The following land shown on definitive subdivision plan entitled "Brandywine Village at Franklin Definitive Subdivision Plan Franklin, Massachusetts August 2004" prepared by Norfolk RAM group, LLC One Roberts Road Plymouth, MA, dated 8/12/2004 and recorded at Norfolk county Registry of Deeds in Plan Book 529, Pages 99-106 of 2004 and also shown on the street acceptance plan entitled "Brandywine Village Street Acceptance Plan in the Town of Franklin, Massachusetts", prepared by Heritage Design Group, LLC, 1 Main Street, Whitinsville, MA 01588, dated October 14, 2016, and revised November 11, 2016 to be recorded herewith.

Fee Interest in Roadways

Brandywine Road, for its entire length
Charles Drive, from Station 0+00 to Station 2+51.71

Easements

NOTE: Map references are to the official Town of Franklin Assessors' Maps.

"Easement A" Thirty-foot wide drainage easement running between Lots 89 and 90 and running across rear of Lots 85, 86, 87, 88, 89, 90, and 91, all shown on Map 218.

"Easement B" Thirty-foot wide drainage easement running between Lots 86 and 87 and running across rear of Lots 84, 85, and 86, all shown on Map 216.

"Easement C" Thirty-foot wide drainage easement running between Lots 77 and 78 and Lots 74 and 73, all shown on Map 216.

"Easement D" Thirty-foot wide drainage and utility (waterline) easement running between Lots 55 and 56, both shown on Map 216. Thirty-foot wide drainage easement running between Lots 57 and 58, both shown on Map 216 and Retention basin/utility easement located on rear portion of Lots 55, 56, 57, 58 and 59, all shown on Map 216.

“Easement E” Drainage easement located on front portion of Lots 68, 69 and 70, all shown on Map 216.

“Easement F” Drain easement located on westerly side of Lot 99, shown on Map 218.

“Easement G” Drain easement located in a rectangular area at front portion (southerly side) of said Lot 99.

“Easement H” Drainage easement running along northerly side of Lot 78 shown on Map 218, into Recharge Basin Easement located along northerly side of said Lot 78.

Included with each of the above-described easements is the perpetual right and easement to construct, maintain and replace drainage pipes, structures of any type as are commonly used in the Town of Franklin, including without limitation, the right, but not the obligation, to use, construct, inspect, repair and operate and forever maintain said pipes and structures and the right to enter on foot and with equipment and vehicles to perform any of said work.

Also included is the ownership right in all of said drainage basins, drainage pipes, drainage swales, manholes, conduits, fixtures, headwalls and all appurtenances thereto that are now or hereafter may be constructed or installed in through or under the above-described land.

3. The Town Treasurer and Town Comptroller are directed and the Town Administrator is directed and authorized to do all things and to execute all documents necessary for the prompt payment of the amount of damages awarded in this Order of Taking, so that the same shall be payable within sixty (60) days after right to damages becomes vested in the person from whom the property was taken. The Town Administrator is further directed to direct the Town Attorney for and on behalf of the Town Council to give notice of this taking and pertinent information to every person entitled thereto in accordance with the provisions of Massachusetts General Laws Chapter 79, Sections 7B, 7C, 7F, 7G, 8A and 8B.
4. This Order of Layout, Acceptance, and Taking confirms Town's Acceptance of above-referenced Marinella Development, LLC deed and grant of easements dated January 26, 2022 and makes clear the Town of Franklin's title to the above-described parcels of land which said deed and grant of easements conveyed to the Town of Franklin.

This Resolution shall become effective according to the provisions of the Town of Franklin Home Rule Charter.

DATED: _____, 2022

VOTED: _____

UNANIMOUS: _____

A TRUE RECORD ATTEST:

YES: _____ **NO:** _____

ABSTAIN: _____ **ABSENT:** _____

RECUSED: _____

Nancy Danello, CMC
Town Clerk

Glenn Jones, Clerk
Franklin Town Council

EXHIBIT A



1 foot Abutters List Report

Franklin, MA
January 14, 2022

Subject Property:

Parcel Number: 218-104-000
CAMA Number: 218-104-000-000
Property Address: BRANDYWINE RD

Mailing Address: MARINELLA DEVELOPMENT, LLC
PO BOX 411
FRANKLIN, MA 02038

Abutters:

Parcel Number: 216-050-000
CAMA Number: 216-050-000-000
Property Address: 70 CHARLES DR

Mailing Address: KUDISH BRIAN H KUDISH DEBRA S
70 CHARLES DR
FRANKLIN, MA 02038

Parcel Number: 216-051-000
CAMA Number: 216-051-000-000
Property Address: 74 CHARLES DR

Mailing Address: RUSSO JR WAYNE RUSSO HEATHER
74 CHARLES DR
FRANKLIN, MA 02038

Parcel Number: 216-052-000
CAMA Number: 216-052-000-000
Property Address: 77 BRANDYWINE RD

Mailing Address: MARINO KATHLEEN MARINO JOSEPH W
77 BRANDYWINE RD
FRANKLIN, MA 02038

Parcel Number: 216-053-000
CAMA Number: 216-053-000-000
Property Address: 73 BRANDYWINE RD

Mailing Address: MANNING COLLEEN A
73 BRANDYWINE RD
FRANKLIN, MA 02038

Parcel Number: 216-054-000
CAMA Number: 216-054-000-000
Property Address: 69 BRANDYWINE RD

Mailing Address: WOODWARD ANDREW B AMY B TRS
ANDREW & AMY WOODWARD LIV TR
69 BRANDYWINE RD
FRANKLIN, MA 02038

Parcel Number: 216-055-000
CAMA Number: 216-055-000-000
Property Address: 65 BRANDYWINE RD

Mailing Address: QUINN MATTHEW J QUINN ABBY E
65 BRANDYWINE RD
FRANKLIN, MA 02038

Parcel Number: 216-056-000
CAMA Number: 216-056-000-000
Property Address: 61 BRANDYWINE RD

Mailing Address: EDMONDS SARAH J EDMONDS SEAN
61 BRANDYWINE RD
FRANKLIN, MA 02038

Parcel Number: 216-057-000
CAMA Number: 216-057-000-000
Property Address: 57 BRANDYWINE RD

Mailing Address: CHENG MICHAEL & TINA M
57 BRANDYWINE ROAD
FRANKLIN, MA 02038

Parcel Number: 216-058-000
CAMA Number: 216-058-000-000
Property Address: 53 BRANDYWINE RD

Mailing Address: LI XIA YAN SHU
53 BRANDYWINE RD
FRANKLIN, MA 02038

Parcel Number: 216-059-000
CAMA Number: 216-059-000-000
Property Address: 49 BRANDYWINE RD

Mailing Address: BERRY TARA TYLER BERRY JACOB
ALBERT
49 BRANDYWINE RD
FRANKLIN, MA 02038

Parcel Number:	216-060-000	Mailing Address:	KUCICH JENNIFER KUCICH ROBERT
CAMA Number:	216-060-000-000		45 BRANDYWINE RD
Property Address:	45 BRANDYWINE RD		FRANKLIN, MA 02038
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Parcel Number:	216-061-000	Mailing Address:	LEWIS KEVIN WILLIAM LEWIS SIOBHAN
CAMA Number:	216-061-000-000		41 BRANDYWINE RD
Property Address:	41 BRANDYWINE RD		FRANKLIN, MA 02038
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Parcel Number:	216-062-000	Mailing Address:	VOZELLA ANTHONY J VOZELLA
CAMA Number:	216-062-000-000		COLLEEN E
Property Address:	37 BRANDYWINE RD		37 BRANDYWINE RD
			FRANKLIN, MA 02038
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Parcel Number:	216-063-000	Mailing Address:	HAMILTON JENNIFER L
CAMA Number:	216-063-000-000		33 BRANDYWINE RD
Property Address:	33 BRANDYWINE RD		FRANKLIN, MA 02038
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Parcel Number:	216-064-000	Mailing Address:	TOMAINO ANGELO P TOMAINO
CAMA Number:	216-064-000-000		CONCETTINA
Property Address:	29 BRANDYWINE RD		29 BRANDYWINE RD
			FRANKLIN, MA 02038
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Parcel Number:	216-065-000	Mailing Address:	TAYLOR SCOTT NOLAN TAYLOR
CAMA Number:	216-065-000-000		ASHLEY ANNE
Property Address:	25 BRANDYWINE RD		25 BRANDYWINE RD
			FRANKLIN, MA 02038
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Parcel Number:	216-066-000	Mailing Address:	LANDERS CONNOR LANDERS ASHLEY
CAMA Number:	216-066-000-000		21 BRANDYWINE RD
Property Address:	21 BRANDYWINE RD		FRANKLIN, MA 02038
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Parcel Number:	216-067-000	Mailing Address:	SONG HAN JIN WENJIE
CAMA Number:	216-067-000-000		28 BRANDYWINE RD
Property Address:	28 BRANDYWINE RD		FRANKLIN, MA 02038
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Parcel Number:	216-068-000	Mailing Address:	ZAKI MAGED A ZAKI MARY E
CAMA Number:	216-068-000-000		32 BRANDYWINE RD
Property Address:	32 BRANDYWINE RD		FRANKLIN, MA 02038
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Parcel Number:	216-069-000	Mailing Address:	ROGERS MICHAEL ROGERS MEGAN
CAMA Number:	216-069-000-000		36 BRANDYWINE RD
Property Address:	36 BRANDYWINE RD		FRANKLIN, MA 02038
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Parcel Number:	216-070-000	Mailing Address:	DURKIN BRIAN J
CAMA Number:	216-070-000-000		40 BRANDYWINE RD
Property Address:	40 BRANDYWINE RD		FRANKLIN, MA 02038
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Parcel Number:	216-071-000	Mailing Address:	HENDER RICHARD J JR HENDER KIM A
CAMA Number:	216-071-000-000		46 BRANDYWINE RD
Property Address:	46 BRANDYWINE RD		FRANKLIN, MA 02038

Parcel Number: 216-072-000 CAMA Number: 216-072-000-000 Property Address: 50 BRANDYWINE RD	Mailing Address: DESAI ASHISH Y SHAH GAURANGI C 50 BRANDYWINE RD FRANKLIN, MA 02038
Parcel Number: 216-073-000 CAMA Number: 216-073-000-000 Property Address: 54 BRANDYWINE RD	Mailing Address: GORGAS DAVID S & LISA J TRS GORGAS REALTY TRUST 54 BRANDYWINE RD FRANKLIN, MA 02038
Parcel Number: 216-074-000 CAMA Number: 216-074-000-000 Property Address: 58 BRANDYWINE RD	Mailing Address: JOYCE THOMAS J JOYCE CAROL A 58 BRANDYWINE RD FRANKLIN, MA 02038
Parcel Number: 216-075-000 CAMA Number: 216-075-000-000 Property Address: 70 BRANDYWINE RD	Mailing Address: TEIXEIRA HUGO TEIXEIRA CATHRYN 70 BRANDYWINE RD FRANKLIN, MA 02038
Parcel Number: 216-076-000 CAMA Number: 216-076-000-000 Property Address: 76 BRANDYWINE RD	Mailing Address: HAGY JAMES DIXON III HAGY MELISSA CAROL EDERINGTON 76 BRANDYWINE RD FRANKLIN, MA 02038
Parcel Number: 216-077-000 CAMA Number: 216-077-000-000 Property Address: 88 BRANDYWINE RD	Mailing Address: BYRNE GERALD J III BYRNE ROBIN L 88 BRANDYWINE RD FRANKLIN, MA 02038
Parcel Number: 216-078-000 CAMA Number: 216-078-000-000 Property Address: 92 BRANDYWINE RD	Mailing Address: AGARWAL MONA KUMAR RAJEEV 92 BRANDYWINE RD FRANKLIN, MA 02038
Parcel Number: 216-079-000 CAMA Number: 216-079-000-000 Property Address: 96 BRANDYWINE RD	Mailing Address: KAMATH ARAVIND M KAMATH VANDANA M 96 BRANDYWINE RD FRANKLIN, MA 02038
Parcel Number: 216-080-000 CAMA Number: 216-080-000-000 Property Address: 100 BRANDYWINE RD	Mailing Address: CAUTILLO ROBERT JOSEPH CAUTILLO SARA THERESA 100 BRANDYWINE RD FRANKLIN, MA 02038
Parcel Number: 216-081-000 CAMA Number: 216-081-000-000 Property Address: 106 BRANDYWINE RD	Mailing Address: JAMES TYECHIA M 106 BRANDYWINE RD FRANKLIN, MA 02038
Parcel Number: 216-082-000 CAMA Number: 216-082-000-000 Property Address: 110 BRANDYWINE RD	Mailing Address: PALMER TODD PALMER SUSAN 110 BRANDYWINE RD FRANKLIN, MA 02038
Parcel Number: 216-083-000 CAMA Number: 216-083-000-000 Property Address: 105 BRANDYWINE RD	Mailing Address: CROSS RYAN R CROSS DINA P 105 BRANDYWINE RD FRANKLIN, MA 02038

Parcel Number: 216-084-000 CAMA Number: 216-084-000-000 Property Address: 101 BRANDYWINE RD	Mailing Address: GUJAR SURYAPRAKASH GUJAR SMITA 101 BRANDYWINE RD FRANKLIN, MA 02038
Parcel Number: 216-085-000 CAMA Number: 216-085-000-000 Property Address: 97 BRANDYWINE RD	Mailing Address: REGAN CHRISTINE L 97 BRANDYWINE RD FRANKLIN, MA 02038
Parcel Number: 216-086-000 CAMA Number: 216-086-000-000 Property Address: 93 BRANDYWINE RD	Mailing Address: WASEF GIRGIS EAZAK MERVAT 93 BRANDYWINE RD FRANKLIN, MA 02038
Parcel Number: 216-087-000 CAMA Number: 216-087-000-000 Property Address: 89 BRANDYWINE RD	Mailing Address: BALZARINI ANTHONY BALZARINI RENEE 89 BRANDYWINE RD FRANKLIN, MA 02038
Parcel Number: 216-088-000 CAMA Number: 216-088-000-000 Property Address: 85 CHARLES DR	Mailing Address: BIRD JOSEPH A BIRD MARYANN 85 CHARLES DR FRANKLIN, MA 02038
Parcel Number: 216-097-000 CAMA Number: 216-097-000-000 Property Address: 11 BRANDYWINE RD	Mailing Address: TAYLOR CLIFFORD J TAYLOR CHRISTY LEE 11 BRANDYWINE RD FRANKLIN, MA 02038
Parcel Number: 216-098-000 CAMA Number: 216-098-000-000 Property Address: 7 BRANDYWINE RD	Mailing Address: SEEKAMP PAUL M SEEKAMP AMY M 7 BRANDYWINE RD FRANKLIN, MA 02038
Parcel Number: 218-078-000 CAMA Number: 218-078-000-000 Property Address: 157 BRANDYWINE RD	Mailing Address: FOGARTY JOHN F 157 BRANDYWINE RD FRANKLIN, MA 02038
Parcel Number: 218-079-000 CAMA Number: 218-079-000-000 Property Address: 161 BRANDYWINE RD	Mailing Address: CHAPSK JEFFREY A CHAPSK NANCY A 161 BRANDYWINE RD FRANKLIN, MA 02038
Parcel Number: 218-080-000 CAMA Number: 218-080-000-000 Property Address: 153 BRANDYWINE RD	Mailing Address: LANGIS JOHN P LANGIS SALLY A 153 BRANDYWINE RD FRANKLIN, MA 02038
Parcel Number: 218-081-000 CAMA Number: 218-081-000-000 Property Address: 149 BRANDYWINE RD	Mailing Address: MILLER DARREN E MILLER JENNIFER F 149 BRANDYWINE RD FRANKLIN, MA 02038
Parcel Number: 218-082-000 CAMA Number: 218-082-000-000 Property Address: 145 BRANDYWINE RD	Mailing Address: HUTCHINSON ERIK N HUTCHINSON ALEXANDRIA K 145 BRANDYWINE RD FRANKLIN, MA 02038

Parcel Number: 218-083-000 CAMA Number: 218-083-000-000 Property Address: 141 BRANDYWINE RD	Mailing Address: DESTINE JAMES 141 BRANDYWINE RD FRANKLIN, MA 02038
Parcel Number: 218-084-000 CAMA Number: 218-084-000-000 Property Address: 137 BRANDYWINE RD	Mailing Address: REYNOLDS WARREN H K REYNOLDS DEBRA Y 137 BRANDYWINE RD FRANKLIN, MA 02038
Parcel Number: 218-085-000 CAMA Number: 218-085-000-000 Property Address: 133 BRANDYWINE RD	Mailing Address: AMANTE JOSEPH M AMANTE MELISSA A 133 BRANDYWINE RD FRANKLIN, MA 02038
Parcel Number: 218-086-000 CAMA Number: 218-086-000-000 Property Address: 129 BRANDYWINE RD	Mailing Address: HANLY RONAN D HANLY CHERYL A 129 BRANDYWINE RD FRANKLIN, MA 02038
Parcel Number: 218-087-000 CAMA Number: 218-087-000-000 Property Address: 125 BRANDYWINE RD	Mailing Address: JOSE JESTUS 125 BRANDYWINE RD FRANKLIN, MA 02038
Parcel Number: 218-088-000 CAMA Number: 218-088-000-000 Property Address: 121 BRANDYWINE RD	Mailing Address: YERED DAVID M REZZUTI LISA 121 BRANDYWINE RD FRANKLIN, MA 02038
Parcel Number: 218-089-000 CAMA Number: 218-089-000-000 Property Address: 117 BRANDYWINE RD	Mailing Address: BARTEK JOSEF S BARTEK CHERYL L 117 BRANDYWINE RD FRANKLIN, MA 02038
Parcel Number: 218-090-000 CAMA Number: 218-090-000-000 Property Address: 113 BRANDYWINE RD	Mailing Address: ROBINSON WILLIAM S ROBINSON CHRISTINA N 113 BRANDYWINE RD FRANKLIN, MA 02038
Parcel Number: 218-091-000 CAMA Number: 218-091-000-000 Property Address: 109 BRANDYWINE RD	Mailing Address: CAREY DEIRDRE 109 BRANDYWINE RD FRANKLIN, MA 02038
Parcel Number: 218-092-000 CAMA Number: 218-092-000-000 Property Address: 114 BRANDYWINE RD	Mailing Address: GEORGE GIBI JACOB-GEORGE SUBIN 114 BRANDYWINE RD FRANKLIN, MA 02038
Parcel Number: 218-093-000 CAMA Number: 218-093-000-000 Property Address: 118 BRANDYWINE RD	Mailing Address: EPPHIMER MICHAEL J EPPHIMER LOIS A 118 BRANDYWINE RD FRANKLIN, MA 02038
Parcel Number: 218-094-000 CAMA Number: 218-094-000-000 Property Address: 122 BRANDYWINE RD	Mailing Address: LANGEVIN TIMOTHY M 122 BRANDYWINE RD FRANKLIN, MA 02038

Parcel Number: 218-095-000 CAMA Number: 218-095-000-000 Property Address: 138 BRANDYWINE RD	Mailing Address: MUNIKUNTLA SAI KUMAR MUDDAGOUNI APARAJITHA 138 BRANDYWINE RD FRANKLIN, MA 02038
Parcel Number: 218-096-000 CAMA Number: 218-096-000-000 Property Address: 142 BRANDYWINE RD	Mailing Address: GROVER JEFFREY C GROVER JAMIE L 142 BRANDYWINE RD FRANKLIN, MA 02038
Parcel Number: 218-097-000 CAMA Number: 218-097-000-000 Property Address: 146 BRANDYWINE RD	Mailing Address: BOWEN JAY D BOWEN ROSEMARY 146 BRANDYWINE RD FRANKLIN, MA 02038
Parcel Number: 218-098-000 CAMA Number: 218-098-000-000 Property Address: 150 BRANDYWINE RD	Mailing Address: PETERSON DERIC PETERSON ELIZABETH F 150 BRANDYWINE RD FRANKLIN, MA 02038
Parcel Number: 218-099-000 CAMA Number: 218-099-000-000 Property Address: 16 BRANDYWINE RD	Mailing Address: LARSEN THOMAS N LARSEN SHANNON 16 BRANDYWINE RD FRANKLIN, MA 02038
Parcel Number: 218-100-000 CAMA Number: 218-100-000-000 Property Address: 20 BRANDYWINE RD	Mailing Address: DANIELS NATHAN DANIELS LAUREN 20 BRANDYWINE RD FRANKLIN, MA 02038
Parcel Number: 218-101-000 CAMA Number: 218-101-000-000 Property Address: 24 BRANDYWINE RD	Mailing Address: RAMASWAMY SANJAY RAMASWAMY ELIZABETH A 24 BRANDYWINE RD FRANKLIN, MA 02038
Parcel Number: 218-102-000 CAMA Number: 218-102-000-000 Property Address: 17 BRANDYWINE RD	Mailing Address: SMART JON A SMART HEATHER M 17 BRANDYWINE RD FRANKLIN, MA 02038
Parcel Number: 218-103-000 CAMA Number: 218-103-000-000 Property Address: LAKEVIEW TER	Mailing Address: PRUDENTIAL BUILDERS INC 344 JOHN L DIETSCH BOULEVARD UNIT 8 NORTH ATTLEBOROUGH, MA 02760
Parcel Number: 218-105-000 CAMA Number: 218-105-000-000 Property Address: BRANDYWINE RD	Mailing Address: POTTS JANET M TR JAY REALTY TRUST 2806 MAPLE BROOK RD BELLINGHAM, MA 02019
Parcel Number: 218-106-000 CAMA Number: 218-106-000-000 Property Address: 107 POPULATIC ST	Mailing Address: PROULX JAMES G JR PROULX ERIN M 107 POPULATIC ST FRANKLIN, MA 02038